

## **Exhibit 19**

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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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USA BASEBALL, THE NATIONAL HIGH  
SCHOOL BASEBALL COACHES ASSOCIATION,  
DR. PETER BERG, JUAN HERNANDEZ, DENNIS  
CANALE, MEL ZITTER, MICHAEL CRUZ, TITO  
NAVARRO, JOHN TORRES, EASTON SPORTS,  
INC., WILSON SPORTING GOODS CO.,  
RAWLINGS SPORTING GOODS COMPANY, and  
HILLERICH & BRADSBY CO.

Plaintiffs,

- against -

Civil Action No. 07-CV-3605

CITY OF NEW YORK,

Defendant.

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**DECLARATION OF JUAN HERNANDEZ**

I, Juan Hernandez, depose and state as follows:

1. I am a resident of Manhattan. My son, Keith Hernandez, is a pitcher and left fielder at Bishop Ford High School, a Catholic high school in Brooklyn. I am also a baseball coach myself, and have coached over six years in the Youth Service League. If sworn as a witness, I could testify competently to the facts contained herein.

2. The New York City Ordinance outlawing the use of metal and nonwood composite bats in New York City high school play will cause serious problems for my son and my family.

3. We are not a wealthy family, and my son Keith sees his baseball ability as a way for him to attend a college we might otherwise have difficulty affording.

4. Forcing my son to use wood bats in high school play while other players outside New York City are allowed to use metal bats in their games puts my son at a disadvantage when competing for college scholarships. All colleges use metal bats in their games. Due to the size of the sweet spot and the fact that metal bats do not break when struck on the handle, players universally experience more success using metal bats. Wood bats, which frequently break and have a much smaller sweet spot, result in fewer hits and lower offensive numbers.

5. My son, Keith, will be forced to use wood bats by the New York City Ordinance. As a result, his offensive numbers will be lower in comparison to other athletes outside New York City, virtually all of whom will be using metal bats exclusively. It is not fair to put my son at this disadvantage.

6. In addition to following my son's games as best I can, I also coach baseball myself, and have coached in games using metal bats and in games using wood bats. I have seen minor injuries take place from balls hit off wood bats as well as metal bats. There will always be

some risk associated with baseball. However, I do not believe that metal bats are any less safe than wood bats.

7. My son Keith pitches against players using metal bats. If I believed that Keith was in any way at risk of injury due to metal bats, I would strongly support the ban on metal bats. But I have never seen such evidence, and firmly believe that metal bats are perfectly safe.

8. The move to wood bats will also hurt me financially. I purchase the bats for my son. Wood bats frequently break, and the best wood bats are expensive.

9. For these reasons, I strongly oppose New York City's ban on metal bats.

I declare under penalty of perjury that the foregoing is true and correct.

This 25 day of May, 2007.



JUAN HERNANDEZ